

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

MARY JANE TAYLOR, as the
Personal Representative of the Estate
of Willie M. Taylor, Deceased

PLAINTIFF

v.

Case No. 4:19-cv-4129

KANSAS CITY SOUTHERN
RAILWAY COMPANY

DEFENDANT

ORDER

Before the Court is Plaintiff's Notice of Dismissal With Prejudice. (ECF No. 46). The parties have settled this case and stipulate to its dismissal with prejudice, with each party bearing its own costs. An action may be dismissed by "a stipulation of dismissal signed by all parties who have appeared." Fed. R. Civ. P. 41(a)(1)(A)(ii). The instant stipulation of dismissal does not have both parties' signatures, so the Court will construe it as a motion to voluntarily dismiss pursuant to Federal Rule of Civil Procedure 41(a), which allows for the dismissal of a case by court order at the plaintiff's request, on terms the court considers proper. Fed. R. Civ. P. 41(a)(2). "Voluntary dismissal under Rule 41(a)(2) should not be granted if a party will be prejudiced by the dismissal." *Adams v. USAA Cas. Ins. Co.*, 863 F.3d 1069, 1079 (8th Cir. 2017).

The Court sees no reason why either party would be prejudiced by their requested dismissal, so good cause exists for the motion. Accordingly, Plaintiff's motion (ECF No. 46) is hereby **GRANTED**. This case is **DISMISSED WITH PREJUDICE**, with each party bearing its own costs. If any party desires that the terms of settlement be a part of the record therein, those terms should be reduced to writing and filed with the Court within thirty (30) days of the entry of this judgment. The Court retains jurisdiction to vacate this order and to reopen this action upon cause shown that the settlement has not been completed and further litigation is necessary.

IT IS SO ORDERED, this 5th day of April, 2022.

/s/ Susan O. Hickey

Susan O. Hickey

Chief United States District Judge